

**MADISON COUNTY PLANNING BOARD  
MEETING MINUTES  
Madison County Administration Building, Public Meeting Room  
09/28/2020**

1. **Call to Order:** 6:01 p.m. by President Darlene Tussing
2. **Roll Call:**  
**Members present:** Darlene Tussing, Pat Bradley, Steven Janzen, David Laufenberg, Rita Owens and Laurie Schmidt  
**Members present virtually :** Del Bieroth, April Gerth, Jacqueline Lev, and Tamara Millican-Wood  
**Members absent:** Lincoln Roberts  
**Staff present:** Alex Hogle (Planning Director) and Michelle Schriock (Planning Clerk)  
**Others present virtually:** Christina Calabrese (MB MT Acquisition) Keely Larson (The Madisonian), Trevor McSpadden (Haystack Development)
3. **Minutes:** July 27, 2020

<b>MOTION: To accept the minutes of the July 27, 2020 meeting, with corrections and additions. Moved by Janzen; seconded by Owens. Motion carried.</b>
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4. **President's Comments:** Tussing and the board congratulated and thanked Schriock being with the Planning Department and Planning Board for one year.
5. **Opportunity for Public Comment for Items Not on the Agenda:** No comments.
6. **Statement of Conflict of Interest/Ex Parte Communications:** Bradley received a telephone call from Dr. Sheridan asking about Lee's Pool. Bradley explained they could not discuss this. Tussing received a call from Kevin Germain (MB MT). His concern was that the decision regarding Lee's Pool was pre-determined. He will contact the County Attorney and review the audio and video minutes. Tussing explained that this discussion cannot be addressed as no decision has been made.
7. **Monthly Report:** Hogle reviewed the July and August 2020 reports, highlighting an increase in floodplain related inquiries. Hogle noted a plan to schedule a subsequent public hearing regarding interim policy for using the new FIS/floodplain mapping data as "best available information" while the county is in the process of adopting the new mapping, which will take place in two to three years.

**Discussion:**

Tussing is concerned, as the Planner I, Shylea Wingard, that was hired, is no longer with the Planning Department. Hogle stated she resigned after being with the Planning Department for approximately 6 weeks and cannot answer for Shylea. Tussing questioned why the Planner I position is not being retained. Schmidt recommended that since Shylea is not in attendance, this discussion stop. Tussing asked if the environment needs to be changed in the Planning Department. She said it is a position that has a big workload and does need to be filled, but as a Planning Board member, this is not relevant as it is an HR matter. Bradley asked when

the position will be posted again. Hogle stated at this time the Planning Department is slowing down. The department is in transition with organizational details and once that flow is integrated, the Planning Director will then revisit advertising for a Planner Tech or Planner 1.

## **8. Conservation Easements:**

### Montana Land Reliance – Cold Springs Ranch (Mark Mummert)

Hogle reviewed the staff report of this easement. Originally nine tracts, 426 acres, the property would transfer as one parcel allowing for construction of no more than two (2) residential structures, including remodel/re-construction of a sleeping cabin, and associated non-residential outbuildings within an established 2-acre building envelope. Permitted uses include – farming and ranching; temporary agricultural and portable structures; non-commercial and commercial recreation, including hunting, short-term vacation rental, or guest ranch; selective timber management; extraction of sand and gravel only for property use; fences and corrals; road construction, repair and maintenance; and utility services. This is consistent with the Madison County Growth Policy.

### Planning Board Discussion

**Laufenberg** – Are there any limitations on the remodeling project? Can it be used for vacation rental uses?

**Millican-Wood** – Believes in how they've been set up, recently they've been more specific in their language and have very specific criteria to follow.

**Laufenberg** – Are there any recommendations that can be made for the conservation easements?

**Schmidt** – Conservation easements come to the Planning Board for review only, comments can be made. She is concerned about it becoming a use for commercial hunting versus block management, something that causes public angst.

**Hogle** – Regarding the nature of the property within the easement, for practical purposes it seems the property would be treated as private property. Laufenberg and any other members can review the conservation easement documents available in the Planning Department (MCA 76-6-206).

**Bradley** – Regarding timber, unlimited timber movement, can it be sold? **Hogle**: No.

**Laufenberg** – How the land is used, fencing, hunting access, and development of property.

**Laufenberg** – MLR takes into account nearby ranchland and communities and how movement of elk could change in these easements.

**Millican-Wood** – The purpose of MLR is to maintain the land as a whole and is not able to be subdivided into a subdivision.

### Montana Land Reliance – SRI River Holdings LLC (James family)

Hogle reviewed the staff report of this easement. This is a perpetual 4,362-acre conservation easement of the Sweetwater, still in Madison County. No residential dwellings. Permitted agricultural structures must be located within two circular 10-acre agricultural building envelopes. Permitted uses – no residential dwellings, ranching; temporary agricultural and recreational structures; commercial or otherwise recreation, including hunting and a licensed private shooting preserve; selective timber management; extraction

of sand and gravel only for property use; fences and corrals; road construction, repair and maintenance; right-of-way easements to neighbors; and utility services. Will use the Agricultural Land Easement program through the Montana Land Reliance. This project is contingent upon the James family being 1/3 partner and adequate appraisal values for the project to proceed.

### **Planning Board Discussion**

**Janzen** – What is the duration? **Hogle**: Intended for perpetual.

**Bradley** – Is 83 considered a high score? **Schmidt**: A top score would be 100.

**Laufenberg** –Has talked with John Wagner the NRCS District Conservationist. NRCS oversees the ALE program. The decision to financially support a project is made at the state level. There are some annual check-ins on these projects as well by MLR.

**Owens** – Are there limited numbers of ALE's done? **Laufenberg**: Believes they are limited.

### **9. Pre-Application: Moonlight Basin Acquisitions – Jack Creek Cabins Subdivision**

The Planning Department received the pre-application on August 4, 2020 and determined the application complete on August 21, 2020. Hogle and Calabrese conducted a meeting via telephone going over the application and the concept for proposal on August 28, 2020. The subdivision would consist of 1 condominium lot with a single cul-de-sac road. Will access 13 individual detached condominium residences and one open space. It does border on a segment of Jack Creek, the upper drainage way. It has one internal road. All structures will be serviced by public water and sewer infrastructure. There appears to be no need for modifications for road right of way or any other standards in the regulations.

Calabrese - Looking ahead to the Preliminary Plat. A 100' setback is marked off a surveyed bank. There will be no requested modifications, waivers, variances, etc. The subdivision is in a lake neighborhood and within walking distance to the lake.

### **Planning Board Discussion:**

**Bradley** – What are the size of the cabins? **Calabrese**: 3000 square feet and are for sale.

**Schmidt** – Are the neighboring owner lots part of Moonlight Basin ownership? **Calabrese**: Surrounded by a large parent parcel touches a lot of previous developed properties: Madison Overlook 1, Lower Ulery's 2, Lower Ulery's 3 and Lower Ulery's 4.

**Bradley** – Length of cul-de-sac? **Calabrese**: Under 750 feet.

**Bradley/Tussing** – Emergency access? **Calabrese**: Only one access at this time.

**Bradley** – Why is a traffic Information study being done rather than a comprehensive traffic impact study? Concerned about more development. **Calabrese**: Tracts are previously under Lower Ulery's 3 Condo Lots 1, 2, and 3. and Lower Ulery's 4.

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**Hogle** – Geological Study? **Bradley**: Recommends a Geologic Study and not a waiver. No vote is needed unless we want to waive the Geological Study.

**Laufenberg** – Has the Office of Emergency Management (OEM) given any recommendations? **Calabrese**: Not yet, they will provide it in the Preliminary Plat review.

**Hogle** –Re: RSID for paving. Will that be updated in Preliminary Plat? **Calabrese**: Yes.

**Gerth** – Why is sewer line split? **Calabrese**: They prefer gravity fed sewer, in terms of long-term maintenance.

**Gerth** – Why is the sewer into the setback? **Calabrese**: Condominium #6 for built structures, not utilities.

**Gerth** – Why is the sewer setback extended so far into the stream? **Calabrese**: This will be addressed in the Preliminary Plat as they finalize plans with the civil engineer.

#### **10. Subdivision Regulations Review Committee: Update from August 27, 2020 session**

Tussing noted Schmidt's summary be placed on record.

**Hogle** - Summarized the meeting. Noting in the regulations the recent Agricultural Exemption is not currently in the regulations. Each member of the committee have been tasked on various topics. Schmidt and Bradley's summaries were reviewed.

**Bradley** - Has extensively reviewed our local regulations, three other county subdivision regulations, model subdivision regulations and a process for discussion. Pre-Application process, PUD, ODP, etc. Easy making a recommendation for Pre-Applications and First Minor Subdivisions.

**Hogle** - Mentioned typographical errors, corrections, omissions and SIA language. It should be addressed for the duration of the collateral, which is utilized for an SIA. A component that comes in usually during Final Plat. These will detail improvements and costs for material installation on a time schedule. Letters of Credit, a Bond, and other types of capital value such as a property itself. The SIA details need to be revisited in the regulations.

**Schmidt** – This should be put in some type of language that is a condition or requirement.

**Hogle** – There would be contract language before it expires that the language on the letter of credit that says it will not terminate before the end of the allowed timeframe.

**Hogle** – The office has developed a calendar in Outlook to track SIA upcoming expirations.

More discussion included scheduled meeting dates and times. When to present the revisions to the board, pick sections of completed revisions, then present to the Planning Board. Janzen suggested he and Gerth would be beneficial when road standards come up.



**Laufenberg** – Noted that Bradley has put a lot of work into her submission and is there a process for accepting her recommendation, could a vote be made and sent to the Commissioners?

**Hogle** –Draft language would be shown with strike-thru and highlighted italicized language then brought before the board. The new language would then be seen versus the old language. The process would be a public hearing and then recommendations to the Commissioners. It would not be piece by piece, it would come as a whole. Bradley noted that her submission was for information, not for decision-making.

### **Board Functioning:**

#### **Old Business vs Unfinished Business**

Discussion – The agenda needs to be changed from 'Old Business' to 'Unfinished Business'. Old business is inaccurate and misleading. Verbiage of old business and unfinished business is conflicting. Roberts Rule of Order does indicate 'Unfinished Business' be on agendas. If it's not listed on the agenda, it is not discussed. The chairperson and/or any board member could provide the secretary with agenda items. The agenda will reflect process of action and non-action items, having only applicable items be on it.

**Bradley** – There are 4 categories for Unfinished Business:

1. Previous pending items
2. Questions of unfinished business
3. Postponements
4. Matters for a future meeting

**Bieroth** – In his previous memberships on different committees, any business would need to be brought to the Chairperson as an agenda item prior to the meeting.

**Millican-Wood** – Make a request to put it on the agenda. The Chairperson and Secretary would decide to put it on the agenda.

**Bradley** – Change #12 to Unfinished Business and what the unfinished business is. This is the board secretary's responsibility.

**Schmidt** – What about New Business? Janzen: It would be a non-actionable item on the agenda. After discussion and it is decided that action would need to be taken, it would be under unfinished business on the next agenda.

**Hogle** – Would like to bring a floodplain matter to the next month's agenda. Should that be brought under New Business?

**Bieroth** - It would need to be brought to the Chairperson as an agenda item prior to the meeting.

**11. Adjournment**

**The meeting was adjourned at 8:13 p.m.**

*Darlene Tussing*

Darlene Tussing, President

*Michelle L. Schriock*

Michelle Schriock, Secretary